

AMENDMENTS TO THE CLAIMS:

The following listing of claims replaces all prior listings, and all prior versions, of claims in the application.

LISTING OF CLAIMS:

1. (Original) A non-aqueous secondary battery, comprising:
a positive electrode,
a negative electrode, and
an electrolytic solution, which is charged or discharged by repeating a reaction of intercalating and deintercalating ions at said positive electrode and said negative electrode, respectively, wherein
said negative electrode comprises graphite powder which has a particle size equal to or smaller than 100 μm and which has an intensity ratio (P_2/P_1) equal to or less than 0.92, wherein P_1 is a diffraction peak of hexagonal crystal structure which appears in a range of the diffraction angle from 41.7 degrees to less than 42.7 degrees and P_2 is a diffraction peak of rhombohedral crystal structure which appears in a range of the diffraction angle from 42.7 degrees to 43.7 degrees in a X-ray diffraction pattern with the $\text{CuK}\alpha$ line.
2. (Currently amended) A non-aqueous secondary battery as claimed in claim 1, wherein said graphite has an intensity ratio (P_2/P_1) equal to or less than 0.92, wherein P_1 is a diffraction peak which appears in a range of the diffraction angle from 41.7 degrees to less than 42.7 degrees and P_2 is a diffraction peak which appears in a range of the diffraction angle from 42.7 degrees to 43.7 degrees in a X-ray diffraction pattern with the $\text{CuK}\alpha$ line.

3. (Currently amended) A non-aqueous secondary battery as claimed in claim 1, wherein said graphite has an intensity ratio (P_3/P_1) equal to or less than 0.75, wherein P_1 is a diffraction peak which appears in a range of the diffraction angle ~~from~~ 41.7 degrees to less than 42.7 degrees and P_3 is a diffraction peak which appears in a range of the diffraction angle from 45.3 degrees to 46.6 degrees in a x-ray diffraction pattern with the CuK α line.

4. (Original) A non-aqueous secondary battery, comprising:
a positive electrode,
a negative electrode, and
an electrolytic solution, which is charged or discharged by repeating a reaction of intercalating and deintercalating ions at said positive electrode and said negative electrode, respectively, wherein
said negative electrode comprises graphite powder which has a particle size equal to or smaller than 100 μm and which has an intensity ratio (P_3/P_1) equal to or less than 0.75, wherein P_1 is a diffraction peak of hexagonal crystal structure which appears in a range of the diffraction angle from 41.7 degrees to less than 42.7 degrees and P_3 is a diffraction peak of rhombohedral crystal structure which appears in a range of the diffraction angle from 45.3 degrees to 46.6 degrees in a X-ray diffraction pattern with the CuK α line.

5. (Currently amended) A non-aqueous secondary battery as claimed in claim 4, wherein said graphite has an intensity ratio (P_2/P_1) equal to or less than 0.92, wherein P_1 is a diffraction peak which appears in a range of the diffraction angle from 41.1 degrees to less than 42.7 degrees and P_2 is a diffraction peak which

appears in a range of the diffraction angle from 42.7 degrees to 43.7 degrees in a X-ray diffraction pattern with the CuK α line.

6. (Currently amended) A non-aqueous secondary battery as claimed in claim 4, wherein said graphite has an intensity ratio (P_3/P_1) equal to or less than 0.75, wherein P_1 is a diffraction peak which appears in a range of the diffraction angle from 41.7 degrees to less than 42.7 degrees and P_3 is a diffraction peak which appears in a range of the diffraction angle from 45.3 degrees to 46.6 degrees in a X-ray diffraction pattern with the CuK α line.

7. (Original) Electrodes for a non-aqueous secondary battery, comprising:

a positive electrode, and

a negative electrode, wherein

said negative electrode comprises graphite powder which has a particle size equal to or smaller than 100 μm and which has an intensity ratio (P_2/P_1) equal to or less than 0.92, wherein P_1 is a diffraction peak of hexagonal crystal structure which appears in a range of the diffraction angle from 41.7 degrees to less than 42.7 degrees and P_2 is a diffraction peak of rhombohedral crystal structure which appears in a range of the diffraction angle from 42.7 degrees to 43.7 degrees in a X-ray diffraction pattern with the CuK α line.

8. (Currently amended) Electrodes for a non-aqueous secondary battery as claimed in claim 7, wherein said graphite has an intensity ratio (P_2/P_1) equal to or less than 0.92, wherein P_1 is a diffraction peak which appears in a range of the

diffraction angle from 41.7 degrees to less than 42.7 degrees and P_2 is a diffraction peak which appears in a range of the diffraction angle from 42.7 degrees to 43.7 degrees in a X-ray diffraction pattern with the CuK α line.

9. (Currently amended) Electrodes for a non-aqueous secondary battery as claimed in claim 7, wherein said graphite has an intensity ratio (P_3/P_1) equal to or less than 0.75, wherein P_1 is a diffraction peak which appears in a range of the diffraction angle from 41.7 degrees to less than 42.7 degrees and P_3 is a diffraction peak which appears in a range of the diffraction angle from 45.3 degrees to 46.6 degrees in a X-ray diffraction pattern with the CuK α line.

10. (Currently amended) Electrodes for a non-aqueous secondary battery, comprising:

a positive electrode, and

a negative electrode, wherein

said negative electrode comprises graphite powder which has a particle size equal to or smaller than 100 μm and which has an intensity ratio (P_3/P_1)(P_2/P_3) equal to or less than 0.75, wherein P_1 is a diffraction peak of hexagonal crystal structure which appears in a range of the diffraction angle from 41.7 degrees to less than 42.7 degrees and P_3 is a diffraction peak of rhombohedral crystal structure which appears in a range of the diffraction angle from 45.3 degrees to 46.6 degrees in a X-ray diffraction pattern with the CuK α line.

11. (Original) Electrodes for a non-aqueous secondary battery, comprising:

a positive electrode, and

a negative electrode, wherein

said negative electrode comprises graphite powder which has an intensity ratio (P_2/P_1) equal to or less than 0.92, wherein P_1 is a diffraction peak of hexagonal crystal structure which appears in a range of the diffraction angle from 41.7 degrees to less than 42.7 degrees and P_2 is a diffraction peak of rhombohedral crystal structure which appears in a range of the diffraction angle from 42.7 degrees to 43.7 degrees in a X-ray diffraction pattern with the CuK α line.

12. (Original) Electrodes for a non-aqueous secondary battery, comprising:

a positive electrode, and

a negative electrode, wherein

said negative electrode comprises graphite powder which has an intensity ratio (P_3/P_1) equal to or less than 0.75, wherein P_1 is a diffraction peak of hexagonal crystal structure which appears in a range of the diffraction angle from 41.7 degrees to less than 42.7 degrees and P_3 is a diffraction peak of rhombohedral crystal structure which appears in a range of the diffraction angle from 45.3 degrees to 46.6 degrees in a X-ray diffraction pattern with the CuK α line.